

## Department of Energy

## § 1017.29

with the need to carry out official duties, provided the reproduced document is marked and protected in the same manner as the original document.

### § 1017.26 Destruction.

A document marked as containing UCNI must be destroyed, at a minimum, by using a cross-cut shredder that produces particles no larger than 1/4-inch wide and 2 inches long. Other comparable destruction methods may be used. Material containing or revealing UCNI must be destroyed according to agency directives.

### § 1017.27 Transmission.

(a) *Physically transmitting UCNI documents or material.* (1) A document or material marked as containing UCNI may be transmitted by:

- (i) U.S. First Class, Express, Certified, or Registered mail;
- (ii) Any means approved for transmission of classified documents or material;
- (iii) An Authorized Individual or person granted limited access under § 1017.21 as long as physical control of the package is maintained; or,
- (iv) Internal mail services.

(2) The document or material must be packaged to conceal the presence of the UCNI from someone who is not authorized access. A single, opaque envelope or wrapping is sufficient for this purpose. The address of the recipient and the sender must be indicated on the outside of the envelope or wrapping along with the words "TO BE OPENED BY ADDRESSEE ONLY."

(b) *Transmitting UCNI documents over telecommunications circuits.* Encryption algorithms that comply with all applicable Federal laws, regulations, and standards for the protection of unclassified controlled information must be used when transmitting UCNI over a telecommunications circuit (including the telephone, facsimile, radio, e-mail, Internet).

### § 1017.28 Processing on Automated Information Systems (AIS).

UCNI may be processed or produced on any AIS that complies with the guidance in OMB Circular No. A-130, Revised, Transmittal No. 4, Appendix III, "Security of Federal Automated

Information Resources," or is certified for classified information.

## Subpart F—Violations

### § 1017.29 Civil penalty.

(a) *Regulations.* Any person who violates a UCNI security requirement of any of the following is subject to a civil penalty under this part:

- (1) 10 CFR Part 1017—Identification and Protection of Unclassified Controlled Nuclear Information; or
- (2) Any other DOE regulation related to the safeguarding or security of UCNI if the regulation provides that violation of its provisions may result in a civil penalty pursuant to section 148 of the Act.

(b) *Compliance order.* If, without violating a requirement of any regulation issued under section 148, a person by an act or omission causes, or creates a risk of, the loss, compromise or unauthorized disclosure of UCNI, the Secretary may issue a compliance order to that person requiring the person to take corrective action and notifying the person that violation of the compliance order is subject to a notice of violation and assessment of a civil penalty. If a person wishes to contest the compliance order, the person must file a notice of appeal with the Secretary within 15 days of receipt of the compliance order.

(c) *Amount of penalty.* The Director may propose imposition of a civil penalty for violation of a requirement of a regulation under paragraph (a) of this section or a compliance order issued under paragraph (b) of this section, not to exceed \$150,000 for each violation.

(d) *Settlements.* The Director may enter into a settlement, with or without conditions, of an enforcement proceeding at any time if the settlement is consistent with the objectives of DOE's UCNI protection requirements.

(e) *Enforcement conference.* The Director may convene an informal conference to discuss any situation that might be a violation of the Act, its significance and cause, any correction taken or not taken by the person, any mitigating or aggravating circumstances, and any other useful information. The Director may compel a person to attend the conference. This